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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,328	04/09/2001	Christian May	GR 98 P 2892 P	7122

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EXAMINER

SHRADER, LAWRENCE J

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PCG

Office Action Summary

Application

09/829,328

Applicant(s)

MAY ET AL.

Examiner

Lawrence Shrader

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/09/2001; 7/25/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date #5, 7/25/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted on 4/09/2001 under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 7/25/2001 is acknowledged and is being considered by the examiner.

Oath/Declaration

3. The declaration filed on 6/18/2001 is acknowledged. However, the Applicant must disclose information material to patentability under 37 C.F.R. 1.56, not a portion of 37 C.F.R. 1.56 (in this case 1.56a). See 37 C.F.R. 1.61, which states the declaration must "state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56." A new oath/declaration is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Liu, U.S.

Patent 5,507,028.

In regard to claim 1:

"identifying a permissible entry address by using a correlation of data, wherein the data are not provided within a same individual instruction;"

"storing, in a memory cell, an address of a correlated data item one of directly before and directly after the permissible entry address."

Liu discloses identifying a permissible entry address by using correlated data not within the same instruction, and stores the correlated data in a table (column 2, line 54 to column 3, line 10).

In regard to claim 2, incorporating the rejection of claim 1:

"...which comprises storing, in the memory cell, a reference to a data entry in a protected list of legal entry addresses one of directly before and directly after the permissible entry address."

Liu discloses a table of permissible entry addresses (column 2, line 54 to column 3, line 10).

In regard to claim 3, incorporating the rejection of claim 1:

"...which comprises directly jumping to the permissible entry address."

Liu discloses branching to the address based on the correlated data (column 3, lines 5 – 10).

In regard to claim 4, incorporating the rejection of claim 1:

"...which comprises automatically checking whether the correlation of data is satisfied for a respective entry address, when a function call is carried out."

Liu discloses an automatic dynamic checking of correlated data for a branch to an entry address (column 2, line 54 to column 3, line 5).

In regard to claim 5:

"...identifying a permissible entry address by using a correlation of data, wherein the data are not provided within a same individual instruction;"

"providing the correlation of data as a correlation with program data in non-reserved memory areas."

Liu discloses identifying a permissible entry address by using correlated data not within the same instruction, and stores the correlated data in a table (column 2, line 54 to column 3, line 10). The history table containing the correlation data would inherently be located in the non-reserved memory area because the reserved area is typically for operating system components and the history table is part of an application.

In regard to claim 6, incorporating the rejection of claim 5:

"providing program instructions not exceeding a given maximum number n of bytes, n being an integer number;"

"providing a specific no-operation code for avoiding random correlations."

Liu discloses that instructions would not exceed a fixed length (column 10, lines 14 – 20). No-op codes, inherent in all instruction sets, would not exceed the same fixed length.

In regard to claim 7, incorporating the rejection of claim 5:

"...which comprises providing the correlation of data as a correlation between code data items, the code data items being at least n bytes away from one another, n being an integer number."

The table of correlated data (Figure 3, ref. 43; column 10, lines 14 – 20) taught in Liu would inherently contain data at least n bytes away from reach other as entries in the table.

In regard to claim 8, incorporating the rejection of claim 6:

"...which comprises providing the correlation of data as a correlation between code data items, the code data items being at least n bytes away from one another."

The table of correlated data (Figure 3, ref. 43; column 10, lines 14 – 20) taught in Liu would inherently contain data at least n bytes away from reach other as entries in the table.

In regard to claim 9, incorporating the rejection of claim 5:

"providing a specific byte sequence which cannot occur within a regular code;"

"protecting the permissible entry address by inserting the specific byte sequence."

Liu provides a match field, which allows a permissible branch jump address when a null is encountered (column 7, lines 17 – 30).

In regard to claim 10, incorporating the rejection of claim 9:

"...which comprises using a specific no-operation code as the specific byte sequence."

Liu uses a null field as the specific sequence to indicate a match of the entry address (column 7, lines 17 – 30.)

In regard to claim 11, incorporating the rejection of claim 5:

"...which comprises jumping directly to the permissible entry address."

Liu discloses branching to the address based on the correlated data (column 3, lines 5 – 10).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 5,802,242 to Kawamura et al., regarding supplying entry point information for packet data entry point memory.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (703) 305-8046. The examiner can normally be reached on M-F 08:00-16:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence Shrader
Examiner
Art Unit 2124

April 14, 2004



TODD INGBERG
PRIMARY EXAMINER